

their authority under separation of power, and there has been respect for the judicial role expressed by both the President of the United States and the majority leader of the Senate. That is enough said on that subject. I had not intended to get into it to any extent, but having heard those comments, I believe it is appropriate to respond.

Paul Crotty has a very distinguished academic record. He has a law degree from Cornell Law School, where he was a member of the Order of the Coif. He then clerked for Judge Lloyd MacMahon in the Southern District of New York. He has 35 years of legal experience. He is with the very prestigious New York firm of Donovan Leisure Newton & Irvine. He has had a notable career in public service, having served as a New York City commissioner in two mayoral administrations, first for Ed Koch and later for Rudolf Giuliani. So he worked on both sides of the aisle, Democratic and Republican.

He is currently the group president for New York and Connecticut of Verizon Communications. The American Bar Association gave him the highest rating of "well qualified." He has the support of both New York Senators, and he has an excellent record.

I see the Senator from New York just arrived. He has already spoken. I do not have to make an act of generosity and give him 2 minutes, which will bring us to 5:30.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

Mr. SPECTER. I intend to conclude at 5:30 so we can start the vote because there are two votes. I know people are anxious to have the votes start. I do not think there is any question about Mr. Crotty being confirmed. He is an able candidate.

It is my hope that we will be able to move other nominees to the Senate floor for confirmation. The committee has reported out the nomination of William Myers, and it is my hope we will get an up-or-down vote on Mr. Myers. There is significant opposition, which I understand.

We are moving to conclude the consideration of Mr. Griffith, and then we have other nominees behind him.

I yield back the remainder of my time, and I ask for the yeas and nays on this nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. LAUTENBERG) ARE NECESSARILY ABSENT.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 87 Ex.]

#### YEAS—95

Akaka	DeWine	McCain
Alexander	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Domenici	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burns	Hatch	Santorum
Burr	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Corzine	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Lugar	Wyden
DeMint	Martinez	

#### NOT VOTING—5

Dorgan	Harkin	Murkowski
Enzi	Lautenberg	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Mr. DORGAN. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the vote on the nomination of Paul Crotty to be United States District Judge for the Southern District of New York. Had I been present, I would have voted in support of the nomination.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

#### AIRBUS LAUNCH AID

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report S. Con. Res. 25 by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 25) expressing the sense of Congress regarding the application of Airbus for launch aid.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the concurrent resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 88 Leg.]

#### YEAS—96

Akaka	DeWine	Martinez
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Bond	Frist	Reed
Boxer	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeMint	Lugar	Wyden

#### NOT VOTING—4

Enzi	Lautenberg
Harkin	Murkowski

The concurrent resolution (S. Con. Res. 25) was agreed to, as follows:

#### S. CON. RES. 25

Whereas Airbus is currently the leading manufacturer of large civil aircraft, with a full fleet of aircraft and more than 50 percent global market share;

Whereas Airbus has received approximately \$30,000,000,000 in market distorting subsidies from European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding;

Whereas these subsidies, in particular launch aid, have lowered Airbus' development costs and shifted the risk of aircraft development to European governments, and thereby enabled Airbus to develop aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable;

Whereas the benefit of these subsidies to Airbus is enormous, including, at a minimum, the avoidance of \$35,000,000,000 in debt as a result of launch aid's noncommercial interest rate;

Whereas over the past 5 years, Airbus has gained 20 points of world market share and 45 points of market share in the United States, all at the expense of Boeing, its only competitor;

Whereas this dramatic shift in market share has had a tremendous impact, resulting in the loss of over 60,000 high-paying United States aerospace jobs;

Whereas on October 6, 2004, the United States Trade Representative filed a complaint at the World Trade Organization on the basis that all of the subsidies that the European Union and its Member States have provided to Airbus violate World Trade Organization rules;

Whereas on January 11, 2005, the European Union agreed to freeze the provision of launch aid and other government support and negotiate with a view to reaching a comprehensive, bilateral agreement covering all government supports in the large civil aircraft sector;

Whereas the Bush administration has shown strong leadership and dedication to bring about a fair resolution during the negotiations;

Whereas Airbus received \$6,200,000,000 in government subsidies to build the A380;

Whereas Airbus has now committed to develop and produce yet another new model, the A350, even before the A380 is out of the development phase;

Whereas Airbus has stated that it does not need launch aid to build the A350, but has nevertheless applied for and European governments are prepared to provide \$1,700,000,000 in new launch aid; and

Whereas European governments are apparently determined to target the United States aerospace sector and Boeing's position in the large civil aircraft market by providing Airbus with continuing support to lower its costs and reduce its risk: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) European governments should reject Airbus' pending application for launch aid for the A350 and any future applications for launch aid;

(2) the European Union, acting for itself and on behalf of its Member States, should renew its commitment to the terms agreed to on January 11, 2005;

(3) the United States Trade Representative should request the formation of a World Trade Organization dispute resolution panel at the earliest possible opportunity if there is no immediate agreement to eliminate launch aid for the A350 and all future models and no concrete progress toward a comprehensive bilateral agreement covering all government supports in the large aircraft sector; and

(4) the President should take any additional action the President considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market.

#### AIRBUS SUBSIDIES

Mr. FRIST. Mr. President, I am pleased that the Senate voted this afternoon in support of the resolution I submitted along with the Democratic leader, Senator REID, and the chairman and ranking member of the Senate Finance Committee expressing the Senate's concern about various subsidies provided by European governments to Airbus. This resolution sends a strong signal that the Senate supports the President's leadership and commitment to leveling the playing field in the large civil aircraft market.

As many of my colleagues know, the administration has been working hard to resolve this issue through the World

Trade Organization, WTO. Last October, the United States filed a complaint at the WTO alleging that the subsidies provided to Airbus were in violation of WTO rules. This January, the European Union agreed to freeze launch aid payments and other support to Airbus while attempting to negotiate a comprehensive agreement on government support to the civil aircraft sector.

Unfortunately, despite the heroic efforts by former U.S. Trade Representative and current Deputy Secretary of State Robert Zoellick, the negotiations begun in January have broken down. Nevertheless, I want to commend him in particular for his involvement in these talks and his commitment to achieving a fair resolution of this issue. Since January, there has been little discernible progress in addressing the launch aid issue, which directly affects Boeing, Airbus's main competitor in the civil aircraft market.

The Senate, in passing this resolution today, is stating very clearly that EU subsidies to Airbus must end and that launch aid must be rejected in order to avoid WTO action by the U.S. I am encouraged by the comments of EU Trade Commissioner Mandelson in favor of extending the negotiation period that expires today to give both sides more time to reach a fair deal. However, additional discussions will only be productive if Commissioner Mandelson recommitments to the framework agreed to 90 days ago. If the EU continues to flout the January agreement, WTO action may be unavoidable.

In addition, in my view, if the EU were to provide any new launch aid support for the A350, the U.S. would have no choice but to immediately request a WTO panel. This would be the largest trade dispute in the history of the WTO. I hope we do not have to go that route. It would be much better if both sides would come back to the table and restart substantive negotiations with the goal of reaching a bilateral agreement. American companies can compete with anyone in the world, but not on an uneven playing field. Airbus is a mature, profitable company that should compete on commercial terms without government subsidies. This resolution today says that we believe the playing field must be leveled for all competitors in the commercial aircraft market.

#### FOURTH "RESOLVED" CLAUSE

Mr. LOTT. Mr. President, I would ask the majority leader, who sponsored this concurrent resolution, to clarify his intended meaning of the fourth "Resolved" clause on page four of the resolution. I am specifically interested in the intention of the use of the terms "any additional action" and "large commercial aircraft market." I ask because the aerospace industry is an integrated and global industry. In most every instance, aerospace companies are vertically integrated to some degree and they are engaged in many other related activities. In many in-

stances, they are component manufacturers, as well as platform manufacturers. Would it be correct to understand that the majority leader does not intend that this clause target these other business activities that are not directly associated with the marketing and sale of large fixed-wing aircraft to commercial carriers in the passenger transportation market?

Mr. FRIST. Mr. President, I thank the Senator for his question. The phrases "any additional action" and "large commercial aircraft market" are solely intended to address those activities associated with business activities regarding the marketing and sale of large fixed-wing aircraft to commercial carriers in the passenger transportation market. They are not intended to address business activities of any specific company at the secondary or tertiary supplier level. Nor are they intended to address other business activities of any specific company engaged in other platform-related activities.

Mr. LOTT. Mr. President, I thank the majority leader for his response. Additionally, I understand that it is not the purpose of this resolution, and more specifically of the fourth "Resolved" clause, to suggest punitive action be taken against any company's activities related to products sold to U.S. Government agencies, such as the Department of Defense, Department of Homeland Security, or the U.S. Coast Guard, whether those products are radars, components of radars, or helicopters. Is this understanding correct?

Mr. FRIST. Mr. President, I agree with the understanding of the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the majority leader for his clarification of the resolution and its intent. I would encourage all of my colleagues to consider with care the possibility of unintended consequences. The complexity of this industry is such that my State and almost every State has numerous business and economic interests that could be negatively impacted if we are not careful about how we respond to a legitimate concern.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized for two unanimous consent requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that the two Senators from Washington, Senators CANTWELL and MURRAY, be recognized now to speak for up to 30 minutes and that